

VZCZCXRO1609
PP RUEHCHI RUEHDT RUEHHM RUEHNH
DE RUEHPF #1308/01 2900947
ZNR UUUUU ZZH
P 170947Z OCT 07
FM AMEMBASSY PHNOM PENH
TO RUEHPB/AMEMBASSY PORT MORESBY PRIORITY 0019
RUEHC/SECSTATE WASHINGTON DC
INFO RUCNASE/ASEAN MEMBER COLLECTIVE

UNCLAS SECTION 01 OF 03 PHNOM PENH 001308

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DEPARTMENT FOR G/TIP, EAP/MLS AND EAP/RSP
PORT MORESBY FOR EDWARD FAJARDO -- PLEASE PASS TO G/TIP
VISITOR SALLY NEUMANN

E.O. 12958: N/A
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KWMN](#) [CB](#)
SUBJECT: CAMBODIA TIP ACTION PLAN RECEIVED WITH INTEREST,
INTENT, DOUBTS

REF: A. PHNOM PENH 1307
[1](#)B. NEUMANN-DORSEY-DEUTSCH EMAIL 8/13/07

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[1](#)1. (SBU) Summary. Royal Government of Cambodia anti-TIP contacts eagerly received the Cambodia Tier 2 Watch List Action Plan and stated their intent to work towards the goals of the plan's high-priority action items. MOJ Secretary of State Chan Sotheavy was not confident that anti-TIP court activity will increase during this interim reporting period. While the Minister of Justice ordered provincial courts to focus on TIP cases, doubts remain whether courts will show they can follow through. RGC efforts to strengthen and coordinate anti-TIP institutions are going well, and we heard reference to a few successful cases of complicit police officials transferred out of their positions. The suggestion to focus on non-Western sex tourists was mostly avoided, and ministry officials consider the draft anti-TIP law a done deal, even though it looks like the law will not be passed before the end of the interim reporting period.

ACTION PLAN WELL-RECEIVED

[1](#)2. (SBU) Post delivered English- and Khmer-language versions of the Cambodia Tier 2 Watch List Action Plan to Royal Government of Cambodia (RGC) anti-trafficking in persons (TIP) leaders Deputy Prime Minister and Minister of Interior Sar Kheng, Minister of Justice Ang Vong Vathana, Minister of Women's Affairs Ing Kantha Phavi, and National Task Force (NTF) Chair and Ministry of Women's Affairs Secretary of State You Ay. Comments on the action plan were solicited through discussions with ministry interlocutors who generally received the plan with interest and intent to work towards the goals of the high-priority action items by the November 17 interim report deadline.

COURT GOALS AMBITIOUS

[1](#)3. (SBU) Ministry of Justice (MOJ) Secretary of State Chan Sotheavy was not confident that action plan high-priority item two -- suggesting the RGC significantly increase the number of criminal prosecutions and convictions of traffickers -- will be achieved. (Note: An increase of 25 to 50 percent over the 2007 TIP Report would be 18 to 21 convictions per quarter. End note.) She said the Minister of Justice recently issued an order to provincial courts to prioritize TIP cases and to punish TIP offenders with maximum sentences. She stated she has "always" tried to get court

staff to report TIP activity to her and will respond to Embassy requests for information on TIP court cases. Chan Sotheavy stated that courts lack computers and communications systems to share information about their TIP cases.

¶4. (SBU) She furnished what she said were the MOJ's most up-to-date TIP court case statistics. The stats showed two Phnom Penh Municipal Court TIP cases decided in 2007 out of 4 cases that have been sent to the Phnom Penh Court this year. In 2006, 59 TIP cases were sent to the nation's courts, of which less than half have been decided -- 26 at the Phnom Penh Municipal Court, and two at the Siem Reap Court. These numbers differ from those the Embassy has compiled from the Phnom Penh Court and NGO contacts for 2007 quarterly TIP reports which show, in the first six months of 2007 alone, the Phnom Penh Court tried 13 TIP cases. There were an additional six TIP cases convicting 12 offenders tried at the Appeals Court, Sihanoukville and Svay Rieng provincial courts.

¶5. (SBU) National Task Force (NTF) Chair and Ministry of Women's Affairs (MOWA) Secretary of State You Ay was noncommittal about the RGC's ability to meet court goals and stated that the Ministry of Justice (MOJ) could use help boosting the capacity of its courts including court prosecutors and judges. She asked if the Embassy had informed DPM Sar Kheng about the suggestion to increase court activity. (Comment: Sar Kheng is one of the RGC's most active high-level anti-TIP players and is aware of the role the courts will have to play to meet the action plan suggestions. End comment.)

¶6. (SBU) Deputy Commissioner General of the National Police and Leading Task Force (LTF) Secretariat Chair General Neth Savoeun said LTF activity is in line with the action plan suggestions. However, Neth Savoeun expects technical problems collecting information to show increases in both court and law enforcement activity, repeatedly expressing a

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desire for a national data collection system. (Note: The NTF structure includes a cluster group working-level body charged with research and data collection. The cluster group recently did a study of data collection methods in Cambodia and plans to use the research to develop best practices and data collection standards. End note.) The LTF is aware that the MOJ asked provincial judges to prioritize TIP court cases and the LTF Secretariat will also attempt to follow up with the courts. He said a lack of judges is part of the problem in getting the TIP cases to trial. He also stated there has been a lack of cooperation between police officials and the courts. Sometimes when court officials do not have enough information on TIP cases they hold up the cases for lack of evidence rather than contacting the police for more information. In line with statistics from Chan Sotheavy, Neth Savoeun stated that there are many TIP cases pending that have not yet gone to trial.

POSITIVE REACTIONS TO OTHER ACTION ITEMS

¶7. (SBU) You Ay and Neth Saveoun stated that the strengthening of the RGC's anti-TIP institutions through the National Task Force, now led by the Leading Task Force, are signs of government commitment to combating TIP. Neth Saveoun described recently established anti-TIP working groups in the 26 provinces and municipalities. As described in ref A, 20 of the working groups are up and running, six of which are already active. The LTF Secretariat Chair expected to be able to report provincial- and municipal-level activities to LTF Chair Sar Kheng once per month.

¶8. (SBU) MOI General Commissariat of National Police Department of Anti-Human Trafficking and Juvenile Protection Director Police Major General Bith Kimhong reacted positively to action plan point three suggesting an increase in criminal investigations, prosecutions, convictions and sentencing of

government officials. He said he is generally trying to strengthen the integrity of his officers but has had limited success. He said he transferred one lax unit office chief to an inactive post in the police personnel department. He is trying to go after another anti-TIP police official by asking DPM Sar Kheng to remove the officer. He said both of these unnamed, unidentified officials were once convicted by the Phnom Penh Court but both appealed and their court cases have not moved since. He said by law the police have no authority to arrest the individuals while they wait appeal so he has sought their removal from their positions. Bith Kimhong was named to replace Un Sokunthea as Anti-Human Trafficking and Juvenile Protection Director in July.

¶9. (SBU) LTF Secretariat Chair Neth Saveoun told Poloff that the RGC is not yet finished investigating government officials who were involved with the Chhay Hour II corruption case resulting in the release of trafficking in persons perpetrators (ref B). Neth Saveoun said that the RGC is pursuing sufficient evidence to take to trial former Appeals Court Judge Ly Vouch Leng, who was removed for her involvement with bribes for acquittals in the Chhay Hour II trafficking case. Ly Vouch Leng was transferred to an inactive position in the MOJ.

LESS CONCERN OVER EFFORTS AGAINST NON-WESTERN SEX TOURISTS

¶10. (SBU) On high-priority action item four, RGC anti-TIP contacts generally stated that expanded law enforcement and other anti-TIP activity would impact Asian and other non-Western child sex tourists. NTF Chair You Ay brainstormed the idea of creating a blacklist of foreign child sex tourist offenders. LTF Secretariat Chair Neth Saveoun described LTF hopes to combat the child sex tourism problem through prevention efforts.

DRAFT ANTI-TIP LAW

¶11. (SBU) Ministry contacts considered their role with the draft anti-TIP law to be completed. The draft was passed by the Council of Ministers on August 24 but, according to CPP Parliamentarian Khoun Sodary, a member of the National Assembly Committee for the Protection of Human Rights and Reception of Complaints, the draft law has not yet arrived at the National Assembly for passage. While NTF Chair You Ay had previously told Emboffs that the draft law could be passed by the end of 2007, Khoun Sodary described a National

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Assembly process that includes a public discussion phase and that would likely lead to passage no earlier than the spring 2008 session. The current National Assembly agenda -- which is updated every few weeks -- does not include the draft TIP law.

COMMENT

¶12. (SBU) The dedicated RGC anti-TIP cadre appears motivated and understanding of the issues at hand. They accepted USG suggestions for improvement but also have been proactive to create the Leading Task Force. The LTF initiated the idea of provincial working groups and their oversight structure on its own. The LTF needs to build its TIP-combatting track record over the coming months. As it does, and as it fully embraces the final goal to eliminate trafficking in persons in Cambodia, the LTF may follow a different, but potentially more sustainable set of law enforcement measures than found in the action plan.

¶13. (SBU) Cambodia lacks resources and capacity in the areas of law enforcement, judicial expertise, and data collection. Corruption, particularly among court officials, is known to be rampant. The RGC will be challenged to show a significant

increase in the number of criminal prosecutions and
convictions of traffickers by the November 17 deadline.
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